

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

Claim 1 (Currently Amended) A corn root preferential promoter fragment comprising a nucleotide sequence selected from the following group of nucleotide sequences:

- a) a nucleotide sequence comprising the nucleotide sequence of SEQ ID No NO:1 from the nucleotide at position 1 to the nucleotide at position 338 or SEQ ID No NO:2 from the nucleotide sequence at position 11 to the nucleotide at position 1196; and,
- b) a nucleotide sequence having at least 97% sequence identity to the nucleotide sequence of SEQ ID NO:1 from the nucleotide at position 1 to the nucleotide at position 338 or SEQ ID NO:2 from the nucleotide at position 11 to the nucleotide at position 1196 comprising the nucleotide sequence of SEQ ID No 15 from the nucleotide at position 1 to the nucleotide at position 1280; and
- c) a nucleotide sequence comprising the nucleotide sequence of an about 400 bp to an about 1300 bp DNA fragment hybridizing under stringent conditions with a DNA fragment having said nucleotide sequence mentioned under a) or b).

Claim 2 (Original) A corn root preferential promoter region comprising a corn root preferential promoter according to claim 1.

Claim 3 (Currently Amended) The corn root preferential promoter region according to claim 2, further comprising the nucleotide sequence of SEQ ID NO:1 from the nucleotide at position 339 to the nucleotide at position 366.

Claim 4 (Currently Amended) The corn root preferential promoter region according to claim 2, further comprising the nucleotide sequence of SEQ ID NO:14 from the nucleotide at position 1281 to the nucleotide at position 1308.

Claim 5 (Original) A chimeric gene comprising the following operably linked DNA regions

- a) a corn root preferential promoter according to claim 1 ;
- b) a heterologous DNA region encoding a biologically active RNA of interest; and
- c) a transcription termination and polyadenylation signal.

Claim 6 (Original) The chimeric gene according to claim 5, wherein said biologically active RNA encodes a protein of interest.

Claim 7 (Original) The chimeric gene according to claim 6, wherein said protein is a protein which when expressed in the cells of a plant confers pest or pathogen resistance to said plant.

Claim 8 (Original) The chimeric gene according to claim 7, wherein said protein is ISPA1 or ISPA2 from *Brevibacillus laterosporus*.

Claim 9 (Original) A plant cell comprising a chimeric gene according to any one of claims 5 to 8.

Claim 10 (Original) A plant comprising in its cells a chimeric gene according to any of claims 5 to 8.

Claim 11 (Original) The plant according to claim 10, which is a corn plant.

Claim 12 (Original) A seed of a plant comprising in its cells a chimeric gene according to any one of claims 5 to 8.

Claim 13 (Original) A method for expressing a biologically active RNA preferentially in the roots of a plant, said method comprising

- a) providing the cells of the roots of said plants with a chimeric gene according to any one of claims 5 to 8; and
- b) growing said plants.

Claim 14 (Original) The method according to claim 13, wherein said plant is a corn plant.

Claims 15-18 (Canceled).